

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3334 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PARIKH ANITA NIPUNKUMAR

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MEHUL SHARAD SHAH for Petitioner

MS PROMILA SAFAYA for Respondent No. 1

CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 08/05/97

ORAL JUDGEMENT

Rule. Ms. Promila Safaya, ld. Advocate, waives service of rule on behalf of the respondent. In the facts of the case, the matter is finally heard today.

2. By this petition under Art. 226 of the Constitution of India, the petitioner has sought correction of her date of birth as 14th October 1962 instead of 14th May 1962 in the passport issued by the

respondent Passport authority. It is the case of the petitioner that at the time of admission of the petitioner in the school, her date of birth was wrongly mentioned as 14th May 1962 on account of bona fide mistake and accordingly the passport issued in favour of the petitioner did bear such wrong date of birth of the petitioner.

3. The petitioner has produced the birth certificate issued by the Dholka Municipality showing the correct date of her birth as 14th October 1962. The said certificate is as per the register maintained pursuant to the provisions of the Registration of Births and Deaths Act, 1969. The said certificate is taken on record. The correct date of birth of a person has to be taken as the one shown in the certificate which is in accordance with the record maintained under the provisions of the said Act. Accordingly, the petitioner's correct date of birth as 14th October 1962 is required to be entered into her passport. The date of birth of the petitioner would have been wrongly recorded through bona fide mistake as is contended by the petitioner.

4. Under the circumstances, the petition succeeds. The respondent Regional Passport Officer, Ahmedabad, is directed to issue the requisite fresh passport in favour of the petitioner on her application being made for the purpose showing her correct date of birth as 14th October 1962 in the passport as expeditiously as possible on condition that the petitioner fulfils all other requirements necessary for the purpose of issuance of such passport. Rule is accordingly made absolute with no costs. Direct service is permitted.